

OCT 07 2019



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION IX

75 Hawthorne Street
San Francisco, CA 94105

Certified Mail: 7015 3010 0000 3319 7720

Return Receipt

Donald & Era Farnsworth

(b) (6)

Subject: Lead Renovation, Repair, Painting Rule Warning Letter

Dear Mr. & Mrs. Farnsworth:

The U.S. Environmental Protection Agency (EPA) received a complaint stating that an unlicensed contractor, Anselmo Garcia, you hired performed renovation work at **262 Athol Avenue in Oakland, CA 94606** potentially violated federal regulations for lead-based paint activities under the Toxic Substances Control Act (TSCA) Renovation, Repair, and Painting (RRP) Rule, codified at 40 C.F.R. § 745, Subpart E. The RRP Rule contains requirements that firms and/or individuals involved in repairs, renovation, or painting of pre-1978 housing or child-occupied facilities must follow. The building on Athol Avenue in Oakland was built in 1908. The purpose of this letter is to notify you that failure to comply with the RRP Rule is prohibited under Section 409 of TSCA, 15 U.S.C. § 2689, and may subject you to civil penalties of up to \$38,000 per violation.

Based on our preliminary investigation, EPA is concerned that these violations may be occurring:

- Your unlicensed contractor is out of compliance with lead-safe work practices.
- The worker(s) conducting lead-based paint renovation, repair and painting activities are not individually certified renovators.
- The worker(s) is currently not EPA certified to conduct RRP work.
- Unskilled workers are not trained by certified individual renovator.
- No notice was given to tenants before renovating.

Further details can be found in the document titled, "Small Entity Compliance Guide to Renovate Right" which you can find online at <https://www.epa.gov/sites/production/files/documents/sbcomplianceguide.pdf>. The following is a summary list of the RRP Rule requirements:

- Your contractor must be certified by the EPA to conduct RRP work. Go to <https://www.epa.gov/lead/renovation-repair-and-painting-program-contractors#firm> for firm certification. Certification costs \$300.00 and is valid for 5 years.

- Your worker must have individually certified renovator(s) to oversee the work.
- Your worker must use lead-safe work practices, for example:
 - post warning signs at the entrance to the work area;
 - use plastic containment barriers to prevent the spread of paint chips and dust;
 - handle waste in a lead-safe manner;
 - avoid prohibited practices such as open-flame burning, torching, or operating a heat gun at over 1100°F;
 - ensure that the work site is properly cleaned and that a post-renovation cleaning verification or dust clearance testing is conducted.
- Workers must be trained by a certified renovator.
- The pamphlet entitled "*Renovate Right*" must be given to client's/property owners/occupants before the renovation begins.
- Required records must be available and retained for 3 years.

Your contractor is required to comply with the RRP Rule if he continues to work on pre-1978 housing or child-occupied facilities. Issuance of this compliance assistance letter does not preclude EPA from pursuing penalties authorized by law in the future.

At <https://www.epa.gov/sites/production/files/2017-06/documents/smallbusinessinfo.pdf> we have an information sheet entitled *U. S. EPA Small Business Resources*, which you may find helpful if you are a qualified small business. Additional information can be found on-line at www.epa.gov/lead or by calling the National Lead Information Center at 1-800-424-5323. Attached please find a copy of a recent press release pertaining to lead-based paint enforcements. <http://www.epa.gov/lead>

If you have any questions, feel free to contact me at 415-972-3982 or salazar.matt@epa.gov.

Sincerely,



Matt Salazar, PE
Manager, Toxics Section
Enforcement and Compliance Assurance

Enclosure:
Press Release